

1 NICHOLAS A. TRUTANICH
2 United States Attorney
3 District of Nevada
4 Nevada Bar Number 13644
5 LINDA MOTT
6 Assistant United States Attorney
7 501 Las Vegas Boulevard South, Suite 1100
8 Las Vegas, Nevada 89101
9 Phone: (702) 388-6059
10 Fax: (702) 388-5087
11 linda.j.mott@usdoj.gov
12 *Representing the United States of America*

13
14 **UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

15 UNITED STATES OF AMERICA,
16 Plaintiff,
17 v.
18 RANDY CARTER,
19 Defendant.

20 Case No. 2:19-cr-093-RFB-EJY

21 **STIPULATION TO CONTINUE
RESPONSE TO MOTION TO
DISMISS OR ALTERNATIVELY
MOTION TO SUPPRESS
EVIDENCE (ECF 26)
(FIRST REQUEST)**

22 IT IS HEREBY STIPULATED AND AGREED, by and between the United
23 States hereby motions, by and between Nicholas A. Trutanich, United States Attorney,
24 and Linda Mott, Assistant United States Attorney, counsel for the United States of
America, and Rene L. Valladares, Federal Public Defender, and Maggie Lambrose,
Assistant Federal Public Defender, that the deadline of August 26, 2019, for the
government to file its Response be extended for an additional day to August 27, 2019.

25 The Stipulation is entered into for the following reasons:

26 1. A Motion to Dismiss or Alternatively Motion to Suppress Evidence
27 (ECF 26) was filed on August 12, 2019. Counsel for the government is investigating the
28

1 numerous claims that were raised in Defendant's motion, specifically the time at which
2 officers arrived on scene.

3 2. Counsel for the government requests the additional day to further investigate
4 the claims and, if so needed, bring any issues to the attention of supervisors.

5 3. The additional time requested herein is not sought for purposes of delay, but
6 to allow counsel for both the government and defense to prepare for any evidentiary
7 hearing, and to further discuss any possible resolution to the case.

8 4. The defendant is in custody and agrees to the additional one day.

9 5. Additionally, denial of this request for continuance could result in a
10 miscarriage of justice. The additional time requested by this Stipulation is excludable in
11 computing the time within which the trial herein must commence pursuant to the Speedy
12 Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), when considering the
13 factors under Title 18, United States Code, Section 3161(h)(7)(B)(i) and 3161 (h)(7)(B)(iv).
14 In addition, the continuance sought is not for delay and the ends of justice are in fact served
15 by the granting of such continuance which outweigh the best interest of the public and the
16 defendant in a speedy trial.

17 6. This is the first stipulation to continue filed herein.

18 DATED this 26th day of August, 2019.

19 NICHOLAS A. TRUTANICH
20 United States Attorney

21 */s/ Margaret Lambrose*

22 */s/ Linda Mott*

23 MARGARET LAMBROSE
24 Counsel for Defendant Randy Carter

LINDA MOTT
Assistant United States Attorney

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Case No. 2:19-cr-093-RFB-EJY

Plaintiff,

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER

V.

RANDY CARTER,

Defendant.

FINDINGS OF FACT

Based on the pending stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for the government needs additional time to review the issues raised in Defendant's Motion to Dismiss or Alternatively Motion to Suppress Evidence (ECF 26).

2. The additional one day requested time will allow the government to thoroughly review those issues.

3. Defendant Carter is incarcerated and agrees to the continuance.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice. The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for

1 trial, as well conduct an evidentiary hearing, taking into account the exercise of due
2 diligence.

3 The continuance sought herein is excludable under the Speedy Trial Act, Title 18,
4 United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United
5 States Code, Section 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

6 **ORDER**

7 IT IS HEREBY ORDERED that the Government has until August 27, 2019, to
8 respond to the Motion to Suppress filed August 12, 2019. Counsel for the Defendant will
9 then have until September 3, 2019, to reply.

10 DATED: August 26, 2019.

11 

12 RICHARD F. BOULWARE, II
13 UNITED STATES DISTRICT JUDGE

14
15
16
17
18
19
20
21
22
23
24